

**COMMISSION ON TECHNOLOGY
e-COURT SUBCOMMITTEE
APPELLATE COURTS SUBTEAM
MEETING SUMMARY**

September 10, 2010
2:30 p.m. – 4:00 p.m.

State Courts Building Room 415

**SUPREME COURT MEMBERS
PRESENT**

Justice Andrew Hurwitz
Clerk Rachelle Resnick
Staff Attorney Ellen Crowley

**APPEALS DIVISION ONE
MEMBERS PRESENT**

Chief Judge Ann Timmer
Judge Larry Winthrop
Clerk Ruth Willingham
Jeremiah Matthews

**APPEALS DIVISION TWO MEMBERS
PRESENT**

Chief Judge Joe Howard*
Clerk Jeff Handler*

AOC STAFF PRESENT

Stewart Bruner, *ITD*
Karl Heckart, *ITD*
Jim Price, *ITD*

* indicates appeared via telephone

WELCOME AND MEETING PURPOSE

Justice Hurwitz explained that this progress meeting was taking place at a shorter interval than usual so that Rachelle Resnick could attend prior to her extended travel to Europe. He asked Rachelle for an update on the progress being made with AZTurboCourt.

APPELLATE TURBOCOURT E-FILING PROGRESS

Rachelle described her strategy for going live on November 1 by using the three firms already filing into Maricopa Superior Court as pilots for civil appellate filing. Training needs would thereby be minimized. Expansion to criminal cases would occur in January, in part because two motions are pending for warrants of execution and it would be preferable to handle these through ACE. Consensus was that the volume of filings from the three firms would be too small to adequately pilot the system. Members identified various solo practitioners and individual appellate lawyers at firms who could increase the volume of cases during the pilot period. Chief Judge Timmer and Justice Hurwitz volunteered to follow up on this issue. Rachelle was concerned that her training resources are insufficient to bring additional individuals into the pilot. Karl Heckart volunteered to involve Janet Scheiderer, whose group has been handling the training for superior court e-filing.

Jeff Handler clarified that Division Two will remain on their current system until filing through TurboCourt is fully functional for all appellate filings. A decision was made not to suppress the convenience fee (TurboCourt application fee) during the pilot.

Conversation then turned to the issues of clerk review and the way incomplete filings would be handled after November 1. The notion of “sending it back” poses problems in the e-filing world and certain rejection processes require excessive labor from clerks. Accepting items without review places them in the record and makes them available to all parties in TurboCourt. Rachelle described the reasons an errata filing would work best for the pilot, though it requires additional communication between the Clerk’s Office and staff attorneys and would necessitate the payment of another filing fee for submittal of the corrected document. It does maintain a record of the filing and therefore the original filing date/time would be preserved while not holding up internal processing or extending the response time allowed for opposing counsel. Jeff described Division Two’s current process for addressing problems with e-filings. Justice Hurwitz felt strongly that orders need to be produced documenting either action being taken with the case or the specific terms granted for submitting the correction(s). Rachelle raised concern regarding the complexity of the process associated with tracking the individual orders. The chair provided a couple of options and left it to the clerks to work out the mechanics of the process.

DIRECT FILING OF PETITIONS FOR REVIEW

Ellen Crowley sent members her additional refinement of the proposed changes to Civil Appellate Rules 22 and 23 necessary to enable direct filing of PRs to the Supreme Court, but members had not reviewed the changes before the meeting. Because of the timeline, the firms in the November 1 appellate filing group will need an AO to operate under the new rules. A mixed environment will exist until expansion of e-filing takes place in January. The State Bar will also need to be notified of the pending changes and the grace period for implementation.

RECORD ON APPEAL TRANSFER

Jim Price explained that the record on appeal is now able to be obtained from the Maricopa Clerk’s Office but equipment is being installed to increase the number of clerks who can send it. Justice Hurwitz directed Division One representatives to provide him with a report on the volume they are receiving from Maricopa in a couple of weeks.

WRAP UP

A follow-up meeting will be called the week of October 4th to discuss details as the pilot period approaches but still allow time before November 1 for changes based on any decisions made in the meeting.

Meeting adjourned at 3:45 p.m.